



Child Support Enforcement

**77 Dorrance St.
Providence, RI
(401) 222-2847**



LEGAL REPRESENTATION

- Effective December 1, 2002 the Child Support Enforcement Agency no longer represents the custodial parent and there is no attorney-client relationship.
- The Child Support Enforcement Agency Attorneys represent the State in all child support cases. That means the State of RI is the client.
- The custodial and non custodial parents are eligible to receive the services of the Child Support Agency, other than legal representation.

TYPE OF CASES

- **Fip Cases- Welfare Cases**
- **Non-Fip Cases- \$20.00 fee**
- **Medical- Rite Care**
- **DCYF Cases**
- **UIFSA- two state cases brought under the Uniform Interstate Family Support Act**

Goal

- To establish paternity medical and child support orders and to enforce those orders until the child is emancipated
- To provide services to custodial and non custodial parents to make the process easier

Paternity (Fatherhood)

- Establishing Paternity means that an individual has been legally determined to be the father of a child



Importance:

- Benefits - SSI/SSDI
- Right of inheritance
- Sense of identity
- Relationship with dad
- Visitation / Custody
- Medical Background
- Child Support

How to Establish Paternity

Sign affidavit at the:

- 1. Hospital**
- 2. CSE Agency**
- 3. Office of Vital Records**

Paternity Complaint:

- Dad needs to answer complaint within 20 days.**
- DNA testing is scheduled if alleged father denies**

File a :

- 1. Petition to Voluntarily Acknowledge at Court**
- 2. Affidavit of Paternity**

Default = No answer to Complaint.

Admits = Court order to establish Paternity

Voluntary Acknowledgment

- Parties may be directed to the Child Support Enforcement office to complete an Affidavit of paternity
- The parties can use our services if they are receiving FIP or Medical benefits.
- If the Mother was not married at the time the child was conceived or born and there is no father listed on the child's birth certificate then the child support enforcement staff can schedule an appointment.
- If the Mother was married the agency must ask if she still married or divorced.
 - 1) Still Married. The child support agency will establish a child support order against the husband
 - 2) Divorced.- Mother must provide us with the specific divorce decrees addressing the paternity of the child.
 - 2) Parties must bring to appointment: Picture ID, SS Card, OK if SS card is not available, Child's Birth Certificate. Divorce Decree.

Medical Support

- The court may order a party to provide medical coverage if it is available through employment at a reasonable cost.
- Reasonable = 5% of the monthly gross income of the parent.
- The NCP may be ordered to provide private coverage or to contribute 5% of the monthly gross income as cash medical.

Establishing Child Support

- Complaint for support is filed
- Subpoena means you must appear at court or a warrant will issue
- Obligation based upon the gross income of both parties and a guideline chart

Very Few Expenses Are Considered by the Court:

- Medical premiums
- Prior Child support orders
- Additional children
- Court is not concerned about:
 - rent
 - car payments
 - student loans
 - charge accounts

Court Orders

- All orders are payable through wage withholding. Employer deducts the child support from the obligor's income and mails it to Family Court.
- Family Court posts the payment and CSE sends the payment to the custodial parent (Non-FIP case), or retains it for a FIP case for cost reimbursement.

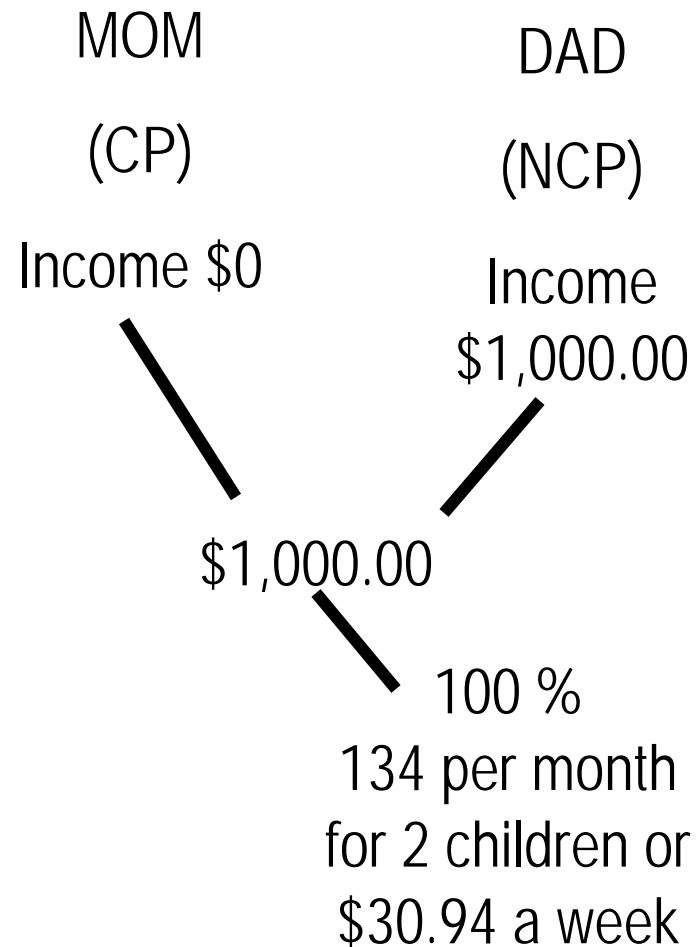
DEFRA

Deficit Reduction Act

- A change in State regulations reinstated the child support payment pass-through, or child support disregard, known as DEFRA.
- Beginning July 2004 DHS will began sending the \$50 DEFRA child support bonus check to FIP recipients.
- The child support payments shall be made during the course of one consecutive month in order for the DEFRA payment to be made.

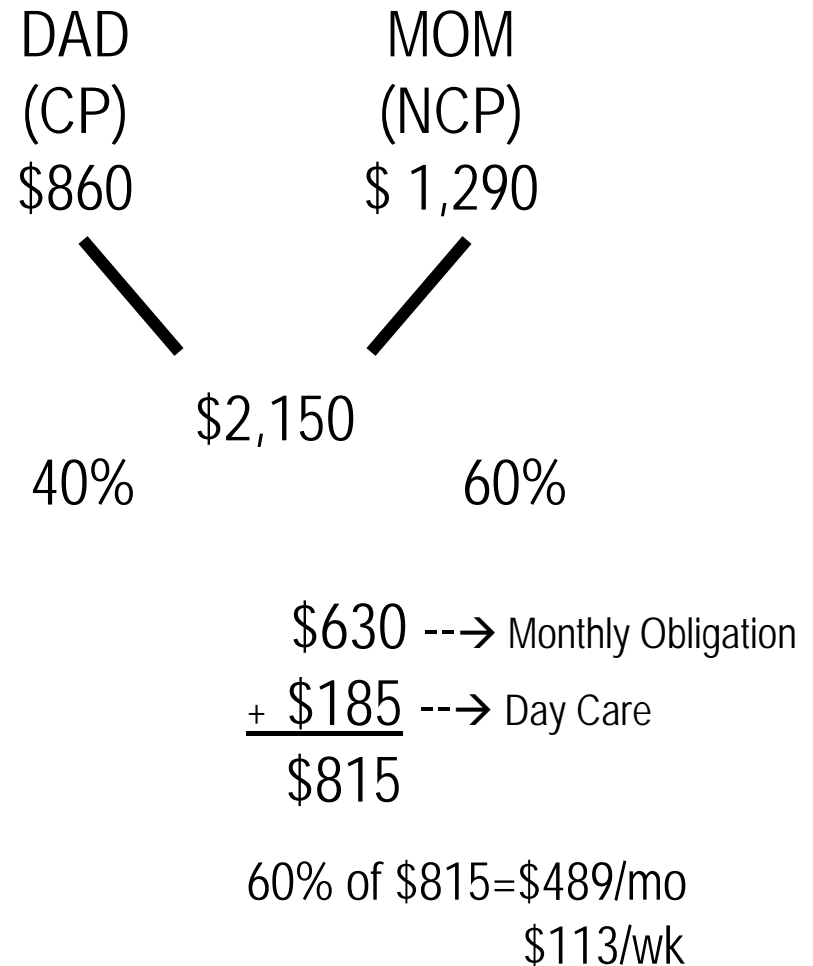
Example Case 1

- **FIP CASE**
- Mom(cp) is receiving fip
- Dad(ncp) is earning \$233 per week
- There are 2 children
- No medical coverage
- How much should ncp pay per week?



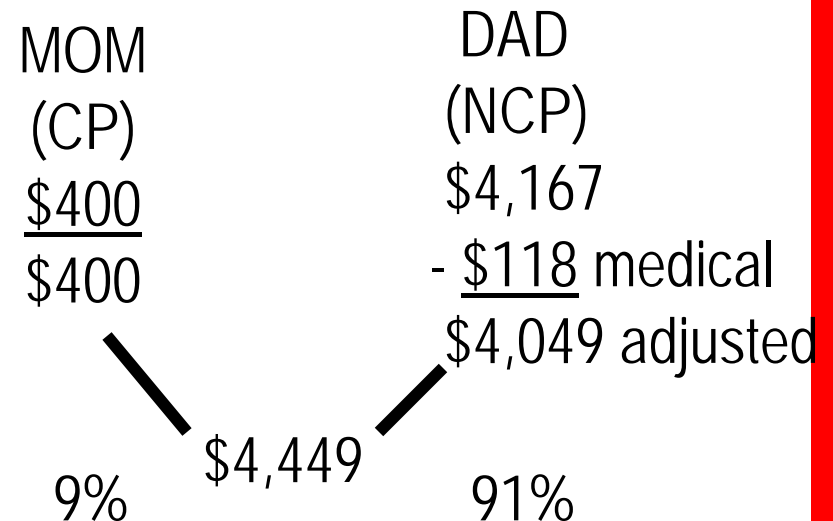
Case Example 2

- Non FIP/ Day Care
- Dad (cp) is earning \$200.00 per week
- Mom (ncp) is earning \$300 per week
- There are 2 children
- No medical
- Day care \$185.00/mo
- How much should ncp pay per week?



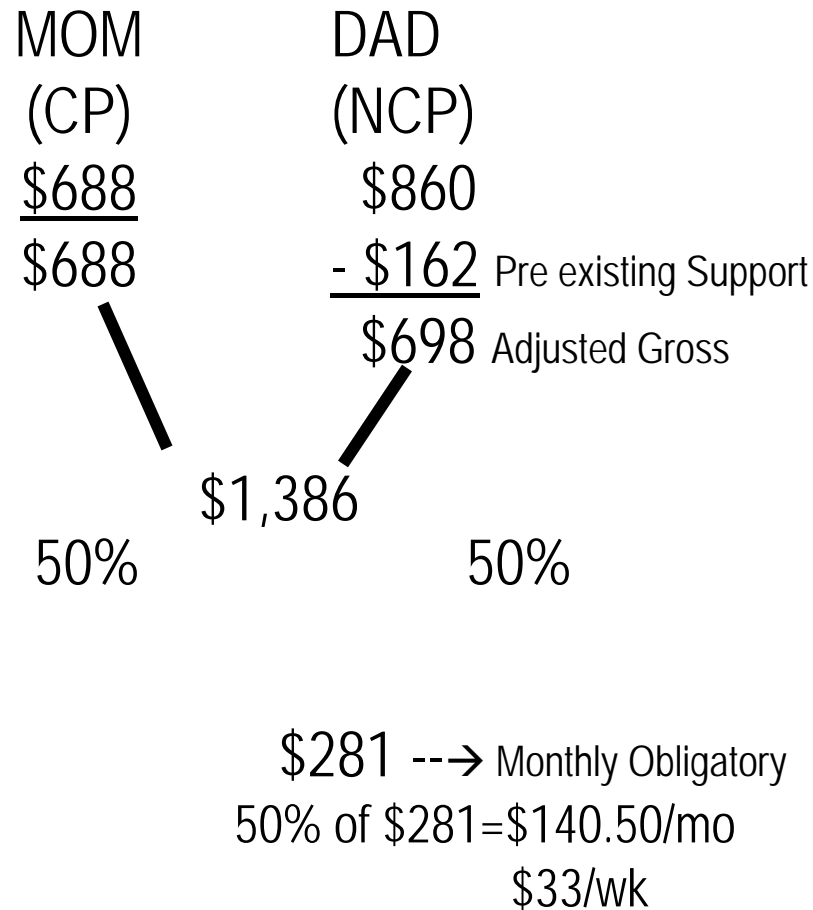
Case Example 3

- Medical
- Mom (cp) is earning \$400.00/month
- Dad(ncp) is earning \$4,167.00/month
- Medical Insurance is \$118/month
- There are 3 children



\$1,343 --> Monthly Obligation
91% of \$1,343 = \$1,222.13/mo
\$ 282.25/wk

Case Example 4



- Pre-existing child support example:
- Mom (cp) is earning \$688/month
- Dad (ncp) is earning \$860/month
- Dad pays \$162 for child support regularly
- There is 1 child

Enforcement



- Contempt → ACI
- Credit bureau reporting
- Administrative offset
- License suspension
- Insurance intercept
- Bank intercept
- Probate
- Lottery intercept
- Administrative liens
- New hire reporting
- Restraining orders
- Access to information

Criminal Prosecution



STATE

- **\$10,000 OR MORE**
- **3 years or more**
- **Felony**
- **Prosecuted by the Attorney General**
- **5 years imprisonment**

Criminal Prosecution

FEDERAL

- Misdemeanor-\$5,000 or 1 year imprisonment
- Felony-\$10,000 or 2 years
- Elements of the offense:
 - having ability to pay
 - willfully failing to pay
 - a known past due amount
 - remain unpaid as stated above
- Prosecuted by US attorney
- Parties reside in different states



INCARCERATED PARENT'S PROGRAM

PRESENTED TO:

- **PRISON STAFF**
- **COUNSELORS**
- **INMATES**
- **DISCHARGE PLANNERS**
- **PROBATION OFFICERS**

TOPICS:

- **PATERNITY ESTABLISHMENT**
- **CHILD SUPPORT ESTABLISHMENT**
- **CHILD SUPPORT PROCESS**
- **MODIFICATION**
- **JOB TRAINING AND PLACEMENT**

Modification

Must Be Substantial Change in Circumstances:

- **Increase or decrease in earnings**
- **Termination of employment / Layoff**
- **Underemployed**
- **Disability / Workers Compensation**
- **Increase in needs of child / change in custody**
- **Incarceration**
- **Birth of new Child**
- **Emancipation of a Child**
- **Death of either party**

HOW TO FILE A MOTION

- **File a motion with the court**
- **Retroactive modification to date of filing**
- **Copy of motion to all parties and CSE**
(cp, certified mail)
- **CSE agency provides assistance in filing the Motion**
- **Pro Se package available for incarcerated parents**

Job training and placement

- **This program is designed to be an option for the NCPs**
- **The program Goal is to help NCP's receive a job training and placement so that they comply with the child support order to become more involved parents, and ultimately refer them for parenting classes so that they can improve the lifes of their children.**
- **To be eligible for the Job Training and Placement Program, NCP's have to be underemployed, unemployed, or soon to be released from the ACI.**
- **Have a child support order in place or arrearages, not be making regular payments.**
- **NCP's are referred from Court, CSE agency or ACI. The Job Training agency provides reports to the CSE agency with status of the NCP's training and job placement.**

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